NOTIFICATION. 158

No. L.D. 2069—Legis. 5-51-102, dated Bangalore, 13th February 1952.

Ordered that Notification No. S.R.O. 108, dated the 15th January 1952 of the Ministry of Rehabilitation, the Evacuee Interest (Separation) Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 19th January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION

New Delhi, 15th January 1952.

S.R.O. 103.—In exercise of the powers conferred by section 23 of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), the Central Government hereby makes the following Rules, namely :—

1. *Short title.*—These Rules may be called the Evacuee Interest (Separation) Rules, 1951.

2. *Definitions.*—In these Rules :—

(*a*) 'Act' means the Evacuee Interest (Separation) Act, 1951 (XLIV of 1951);

(*b*) 'claimant' means a person who makes a claim under the Act;

(*c*) 'form' means a form appended to these Rules;

(*d*) 'proceeding' means the hearing of a claim under the Act and includes all steps taken under the Act or these rules in pursuance of such claim.

3. *Application under section* 6.—(1) An application by a claimant under sub-section (1) of section 6 of the Act shall be in Form 'A'.

(2) Every such application may be presented personally or by an authorised agent to the competent officer having jurisdiction or may be sent to him by registered post, acknowledgment due.

4. *Form of Notice under section* 6.—Where a competent officer has received information under section 6 of the Act, he shall issue a general notice in Form 'B', and an individual notice in Form 'C' to every person who, in the opinion of the competent officer, may have a claim in the composite property.

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5. *Particulars in a Statement of Claim.*—(1) Every statement of claim under section 7 of the Act shall be in Form 'D'.

(2) Every such statement of claim may be presented either personally or through an authorised agent to the competent officer having jurisdiction or may be sent to him by registered post acknowledgment due.

(3) Every such statement of claim shall be signed and verified in the same manner as a pleading under the Code of Civil Procedure, 1908 (Act V of 1908).

6. *Registration of claims.*—Every statement of claim submitted under section 7 of the Act shall be registered in a register to be kept for the pur pose in Form 'E'

7. *Persons interested in the composite property to be parties to proceedings.*—(1) Every person having an interest in a composite property in respect of which a statement of claim is made under section 7 of the Act and the Custodian of Evacuee Property within whose jurisdiction such properties situate, shall be deemed to be respondent to the proceeding.

(2) There shall be filed along with the statement of claim or with the permission of the competent officer at a later stage of the proceeding as many copies of the statement of claim and as many envelopes and notices in Form 'F' duly addressed to the respondents as there are respondents.

(3) Notwithstanding anything contained in this rule, it shall be lawful for the competent officer to add as a respondent to the proceedings any person who in his opinion is interested in the composite property and issue a notice to him in Form 'F'.

8. *Rejection of a statement of claim in certain cases.*—Where a statement of claim made under section 7 of the Act does not comply with any of the requirements of that section or these rules, the competent officer may reject the claim or grant to the claimant such further time as he thinks fit complying with such requirements.

9. *Issue of Notice.*—Where a claim is not rejected under rule 8, the competent officer shall, after causing the date for the hearing of the claim to be inserted in the notices referred to in rule 7, cause them to be served on the respondents.

10. *Objections by Respondents.*—(1) In response to a notice under rule 9, a respondent may show cause against the statement of claimant and may file a written statement containing his objections to the claim.

(2) Where a written statement is not presented personally or through an authorised agent, it may be sent by registered post acknowledgment due, to the competent officer after having been signed in the presence of a Judicial Officer and duly attested by such officer:

Provided that a written statement filed by a Custodian of Evacuee Property may not be signed in the presence of a Judicial Officer.

(3) A written statement may contain a counter claim to the composite property and where such counter claim is made, it shall have the same effect as a statement of claim under these rules.

(4) Every written statement shall be verified in the same manner as a pleading under the Code of Civil Procedure, 1908 (Act V of 1908).

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11. *Service of Notice or Order.*—Every notice or order issued under the Act or these rules may at the discretion of the competent officer, be served in one of the following methods, namely :—

(*a*) by giving, or tendering the notice or order to the person for whom it is intended ; or

(*b*) by ordinary post under a certificate of posting ; or

(*c*) by registered post acknowledgment due :

Provided that where a notice or order cannot be served by any of the aforesaid methods, the notice or order may be served by affixing a copy thereof in some conspicuous place in the office of the competent officer and also on some conspicuous part of the house, if any, in which the person upon whom the notice or order is to be served is known to have last resided or carried on business or personally worked for gain or in such other manner as the competent officer may think fit.

12. *Statements to be on oath.*—All statements made in any proceeding shall be on oath.

13. *Quarterly returns by competent officer.*—Every competent officer shall, at the end of each quarter, submit a statement in Form 'G' to the State Government.

FORM 'A'

Form of application under sub-section (1) of section 6.

[*See* rule 3]

To

.....

(Name)

.....

(competent officer)

.....

(Station)

1. The name, description and place of residence of the applicant.
2. The description of composite property.
3. The nature of interest of applicant in the composite property.
4. The name, description and place of residence of other claimants in the composite property, so far as they can be ascertained.
5. The nature of interest of such claimants in the composite property, so far it can be ascertained.

.....

(Signature of applicant)

FORM 'B' 161

Form of General Notice under section 6.

[*See* rule 4]

Whereas information has been laid before me that the property described in the Schedule hereto annexed.

And whereas the evacuee interest in the said property is to be separated from other interests.

I, now, hereby call upon all persons having an interest in the said property to submit their claims in the prescribed form to me within sixty days from the date of this notice.

Given under my hand and the seal of my office, this..... day of.....19 .

.....

(Signature)

.....

(Competent Officer)

THE SCHEDULE

Description of Property

FORM 'C'

Form of individual notice under section 6

[*See* rule 4]

Whereas information has been received that you have an interest in the composite property described in the Schedule hereto annexed.

And whereas the evacuee interest in the said property is to be separated from other interests.

I, now, hereby call upon you to submit your claim to me in the prescribed form within sixty days from the date of this notice.

Given under my hand and the seal of my office, this..... day of..... .....19 .

.....

(Signature)

.....

(Competent Officer)

THE SCHEDULE

Description of Property

FORM 'D'

Form of a statement of claim under sub-section (1) of section 7

[*See* sub-rule (1) of rule 5]

NOTE.—Persons filling in these forms should carefully refer to definitions of terms such as "composite property", "mortgage debt" and "principal money as contained in the Act.

To

.....

(name)

.....

(competent officer)

.....

(Station)

1. The name, description and place of residence of claimant. ——
2. The description of the composite property.
3. The nature of the interest of the claimant in the composite property.
4. the name and full addresses of persons interested in the composite property.—
   (i)
   (ii)
   (iii)
   (iv)
5. The estimated money value of the composite property.

6. Where the claim is made by a co-sharer or partner, the extent of the share of the claimant and the money value of such share;

7. Where the claim is made by a mortgagee,—
   (i the principal money and the rate of interest chargeable under the mortgage deed;
   (ii) payments made towards the mortgage debt after the principal money was advanced or deemed to have been advanced;
   (iii) the history of the mortgage debt in so far as it is relevant to the determination of the principal money;
   (iv) particulars of the property mortgaged and the estimated value of such property;
   (v) particulars of any property the possession of which has been taken by the mortgagee as security for, or in lieu of payment of, the mortgage debt;
   (vi) the total amount claimed under the mortgage debt in accordance with the provisions of the Act.

8. Where the claim is made by a mortgagor, the total amount due under the mortgage debt and the particulars necessary to determine the same.

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9. The order of preference in which the claimant desires to have his interest separated from that of the evacuee under section 10.

.....

(Signature of applicant)

Verification.

The statements made above are true to my knowledge and belief.

.....

(Signature of the applicant or other person verifying the statements).

FORM "E"

Form of Register.

[*See* rule 6.]

	Serial No.	1
	Date of presentation of claim	2
	Name and description of claimant	3
	Name and description of respondents	4
	Description of composite property	5
	Value of composite property as indicated by claimant.	6
	Nature of interest of claimant	7
	Value of interest claimed	8
	Value of composite property as ascertained by competent officer.	9
	Value of claimant's share determined by competent officer.	10
	Total value of evacuee interest in the property as determined by competent officer.	11
	Total value of non-evacuee interest in the composite property as determined by competent officer.	12
	Manner in which evacuee and non-evacuee interest have been separated.	13
	Date of final order of competent officer	14
	Number of hearings and period spent in disposal of cases.	15
	Whether order of competent officer has been the subject of appeal or review.	16
	Purport of the order of appellate officer	17
	Date of despatch in record to record keeper with the date of consignment in the record room.	18
	Number in record keeper's register	19
	Remarks	20

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FORM "F" 165

Form of notice to Respondent.

[*See* sub-rules (2) and (3) of rule 7.]

To

WHEREAS..... has made a claim in respect of the composite property described in the Schedule hereto annexed (copy of the statement of claim attached);

You are hereby required to appear before me either personally or through an authorised agent on the day of.....19 , at.....O'clock at.....(insert the address of the place where appearance is required) to answer the claim, and you are directed to produce on that day all the documents upon which you intend to rely in support of your claim.

Take notice that in default of your appearance on the day before mentioned, the matter will be heard and determined in your absence.

Given under my hand and the seal of my office this.....day of .....19 .

.....

Signature).

.....

(Competent Officer).

THE SCHEDULE.

FORM "G"

Quarterly Statement showing the business before th Competent Officer.....
for the quarter ending..... ....

[*See* Rule 14.]

1				2					3	4	5	6	7	8	9	10
Number of cases before the Competent Officer				Number of cases disposed of												
(a)	(b)	(c)	(d)	(a)	(b)	(c)	(d)	(e)								
Pending at the begining of the quarter.	Instituted during the quarter	Transferred to the Competent Officer or received otherwise during the quarter.	Total	Cases dismissed	Cases rejected	Cases decided	Number of cases transferred	Total number of cases disposed of.	Total number of composite properties in which evacuee and non-evacuee interests have been separated.	Total value of such composite properties	Total value of evacuee interest in the composite properties.	Total value of non-evacuee interest in the composite properties.	Number of cases pending at the close of the quarter.	Number of cases pending for more than six months.	Number of cases pending for more than one year.	Remarks

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D. R. KOHLI, Dy. Secy.

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